

AMENDED IN ASSEMBLY MAY 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1212

Introduced by Assembly Member Mansoor

February 18, 2011

An act to ~~amend Section 31485.9 of~~ *add Section 31485.95 to* the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1212, as amended, Mansoor. County employees' retirement.

Under existing law, counties and districts, as defined, may provide retirement benefits to their employees pursuant to the County Employees Retirement Law of 1937. Existing law prohibits any resolution, ordinance, contract, or contract amendment under that law adopted on or after January 1, 2004, from providing different retirement benefits for any subgroup of general members within a membership classification, including, but not limited to, bargaining units or unrepresented groups, unless benefits provided by statute for members hired on or after the date specified in the resolution are adopted by the county or district governing board, by resolution adopted by majority vote, pursuant to a memorandum of understanding made under the Meyers-Milias-Brown Act. Existing law prohibits any retirement contract amendment from being imposed by the employer in absence of a memorandum of understanding made under the Meyers-Milias-Brown Act.

This bill would ~~additionally, in the South Coast Air Quality Management District,~~ allow those benefits to be specified in an ordinance, contract, or contract amendment adopted by the ~~county or~~ district governing board. The bill would also, *in the South Coast Air*

Quality Management District, prohibit the employer from imposing a retirement ~~resolution~~, ordinance, or contract in the absence of a memorandum of understanding prepared pursuant to the Meyers-Milias-Brown Act. The bill would also make related technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31485.95 is added to the Government
2 Code, immediately following Section 31485.9, to read:
3 31485.95. (a) Notwithstanding any other law, including, but
4 not limited to, Chapter 10 (commencing with Section 3500) of
5 Division 4 of Title 1, no resolution, ordinance, contract, or contract
6 amendment under this chapter adopted on or after January 1,
7 2004, may provide any retirement benefits for some, but not all,
8 general members of the district.
9 (b) (1) No resolution, ordinance, contract, or contract
10 amendment under this chapter adopted on or after January 1,
11 2004, may provide different retirement benefits for any subgroup
12 of general members within a membership classification, including,
13 but not limited to, bargaining units or unrepresented groups, unless
14 benefits provided by statute for members hired on or after the date
15 specified in the resolution are adopted by the district governing
16 board, by resolution, ordinance, contract, or contract amendment
17 adopted by majority vote, pursuant to a memorandum of
18 understanding made under the Meyers-Milias-Brown Act (Chapter
19 10 (commencing with Section 3500) of Division 4 of Title 2).
20 (2) All nonrepresented employees within similar job
21 classifications as employees in a bargaining unit subject to a
22 memorandum of understanding, or supervisors and managers
23 thereof, shall be subject to the same formula for the calculation
24 of retirement benefits applicable to the employees in the bargaining
25 unit.
26 (3) A retirement ordinance, contract, or contract amendment
27 shall not be imposed by the employer in the absence of a
28 memorandum of understanding prepared pursuant to the
29 Meyers-Milias-Brown Act.

1 (c) This section does not preclude changing membership
2 classification from one to another membership classification.

3 (d) This section shall not apply to retirement benefits for a
4 member described in paragraph (2) of subdivision (d) of Section
5 31676.15.

6 (e) This section shall apply only to the South Coast Air Quality
7 Management District.

8 SECTION 1. ~~Section 31485.9 of the Government Code is~~
9 ~~amended to read:~~

10 31485.9. (a) ~~Notwithstanding any other provision of law,~~
11 ~~including, but not limited to, Chapter 10 (commencing with Section~~
12 ~~3500) of Division 4 of Title 1, no resolution, ordinance, contract,~~
13 ~~or contract amendment under this chapter adopted on or after~~
14 ~~January 1, 2004, may provide any retirement benefits for some,~~
15 ~~but not all, general members of a county or district.~~

16 (b) (1) ~~No resolution, ordinance, contract, or contract~~
17 ~~amendment under this chapter adopted on or after January 1, 2004,~~
18 ~~may provide different retirement benefits for any subgroup of~~
19 ~~general members within a membership classification, including,~~
20 ~~but not limited to, bargaining units or unrepresented groups, unless~~
21 ~~benefits provided by statute for members hired on or after the date~~
22 ~~specified in the resolution are adopted by the county or district~~
23 ~~governing board, by resolution, ordinance, contract, or contract~~
24 ~~amendment adopted by majority vote, pursuant to a memorandum~~
25 ~~of understanding made under the Meyers-Milias-Brown Act~~
26 ~~(Chapter 10 (commencing with Section 3500) of Division 4 of~~
27 ~~Title 2).~~

28 (2) ~~All nonrepresented employees within similar job~~
29 ~~classifications as employees in a bargaining unit subject to a~~
30 ~~memorandum of understanding, or supervisors and managers~~
31 ~~thereof, shall be subject to the same formula for the calculation of~~
32 ~~retirement benefits applicable to the employees in the bargaining~~
33 ~~unit.~~

34 (3) ~~A retirement ordinance, contract, or contract amendment~~
35 ~~shall not be imposed by the employer in absence of a memorandum~~
36 ~~of understanding prepared pursuant to the Meyers-Milias-Brown~~
37 ~~Act.~~

38 (c) ~~This section does not preclude changing from one~~
39 ~~membership classification to another membership classification.~~

1 ~~(d) This section shall not apply to retirement benefits for a~~
2 ~~member described in paragraph (2) of subdivision (d) of Section~~
3 ~~31676.15.~~

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